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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,226	03/03/2004	Ariel P. Villegas	VILL.00001	4773
40006	7590	03/08/2007		
LAW OFFICE OF STEVEN B. LEAVITT, L.L.P.			EXAMINER	
P.O. BOX 537			KARKHANIS, AASHISH	
ROWLETT, TX 75030-0537			ART UNIT	PAPER NUMBER
			3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/792,226	Applicant(s) VILLEGAS, ARIEL P.	
	Examiner Aashish Karkhanis	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 18 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The above claims discuss actions “while simultaneously” performing other actions which are not discussed.
2. Claims 1 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A “firearm shaped” controller may be shaped like very different types of firearms, from handheld to large-scale. The term “firearm shaped” is indefinite because it does not disclose a specific type or class of firearms.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 5 and 7 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satsukawa et al. (U.S. patent 6,379,249 B1) in view of Crook et al. (U.S. Patent 2,253,068).

Regarding Claims 1, 4, 10 and 15, Satsukawa discloses a firearm shaped game controller for playing an interactive video game including a gun in communication with a gaming system operating the video game having a handle, trigger, and barrel whereby an actuation of the trigger simulates firing of the gun (col. 1, lins. 11 – 17), a movement controller provided on an exterior portion of the gun beneath a trigger guard for controlling the movement of at least one game character depicted in the video game (col. 5, lins. 9 – 15; where a movement controller is provided exterior to and with a game gun as a foot pedal) an optical targeting controller incorporated into the gun for aiming the gun at targets depicted in the video game on a monitor in communication with the game system (col. 5, lins. 65 – 67; col. 6, lins. 1 – 5). Satsukawa does not disclose buttons on the side of a game gun controller. However, Crook teaches a plurality of controller buttons affixed to a side of the gun for controlling actions wherein the controller buttons are positioned on the exterior of the gun such that actuation of the controller buttons does not substantially interfere with operation of the movement controller and targeting controller (fig. 1), in order to provide additional controls which may be used in a number of general applications including games, and specific actions including movement control. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the game gun controller with exterior movement control using a foot pedal of Satsukawa with the gun shaped controller with side button controls of Crook in order to provide additional controls which may be used in a number of general applications including games, and specific actions including movement control.

Regarding Claims 2 – 3, Satsukawa discloses a firearm shaped game controller wherein the movement controller is positioned on a planar side of the gun proximate to the trigger and positioned on a top segment of the gun proximate to a terminal end of the barrel adjacent to the handle and depends outward from the gun and has a terminal end positioned beneath the gun for actuation by a player (fig. 24, elems. 300, 302).

Regarding Claims 5 and 8, Satsukawa discloses a firearm shaped game controller wherein the targeting controller employs electromagnetic radiation that emanate from the gun which are received by sensors disposed about the monitor (col. 5, lins. 65 – 76; col. 6, lins. 1 – 20).

Regarding Claims 7 and 12, Satsukawa discloses a firearm shaped game controller wherein the movement controller for controlling the movement depends outward from the gun handle and has a terminal end positioned beneath the gun for actuation by a player (col. 5, lins. 9 – 15; where a movement controller is provided outward from the gun handle and game gun as a foot pedal).

Regarding Claims 9, 11, 13 and 17, Satsukawa discloses a firearm shaped game controller wherein the targeting controller depends outward from the gun and about a bottom segment of the barrel and has a terminal end for actuation by a player in front of the trigger housing and has a terminal end proximate to the trigger housing for actuation by a player, wherein the movement controller and targeting controller depend from the trigger guard, and wherein the gun has a shape of a sub-machine gun (col. 4, lns. 50 – 57; col. 5, lins. 3 – 5; where a generic shooting device may be used with a targeting

Art Unit: 3714

controller scope in any desired position, and does not have to be limited to a handgun shaped shooting device).

Regarding Claim 14, Satsukawa discloses a firearm shaped game controller wherein the gun further comprises at least one input slot for receiving a memory card, audio input, or an attachable video monitor (fig. 22A, elem 1200; where a video monitor is connected to a game controller through a game console device).

Regarding Claim 16, Satsukawa discloses a firearm shaped game controller wherein to effect movement of the character in the game, a movement pedal is used (col. 5, lins. 9 – 15; where a movement controller is provided exterior to and with a game gun as a foot pedal), but does not disclose movement caused when the forward handle is pivoted relative to the barrel. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the game gun controller using movement pedal of Satsukawa with a movement controller built into a gun in order to reduce the number of control devices and simplify the interface used by a player in a game.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Satsukawa in view of Crook, and further in view of Miyake (U.S. Patent 5,310,192).

Regarding Claim 6, Satsukawa discloses a firearm shaped game controller as described above, but does not disclose a secondary trigger. However, Miyake teaches a game gun controller wherein the gun further comprises a secondary trigger proximate to the trigger (col. 6, lins. 1 – 30; where a trigger and continuous shooting switch are provided), in order to provide secondary shooting functions on a gun controller.

Art Unit: 3714

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the gun with primary trigger of Satsukawa with the gun including a secondary trigger of Miyake in order to provide secondary shooting functions on a gun controller.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,248,150: Machine Gun game controller

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is (571) 272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARK

A handwritten signature in black ink, appearing to read "Corbett B. Coburn", with a stylized flourish at the end.

**CORBETT B. COBURN
PRIMARY EXAMINER**